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23251

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AUG 29 2005

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IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Massimiliano CAVALLINI et al  
Patent App. 10/528,378  
Filed 16 March 2005  
For METHOD FOR MANUFACTURING AND CONTROLLING  
STRUCTURES AND PATTERNS OF SOLUBLE AND  
COLLOIDAL SUBSTANCES BY PRINTING ON THE  
MICROMETER AND NANOMETER SCALE AND WITH  
REDUCTION OF THE DIMENSIONS OF THE STAMP'S  
FEATURE

Art Unit Not known  
Bryan Tung - PCT Legal Examiner  
PCT - Legal Office  
ATTENTION OF THE OFFICE OF PCT LEGAL  
ADMINISTRATION

Hon. Commissioner of Patents  
MAIL STOP PCT  
Office of PCT Legal Administration  
PO BOX 1450  
Alexandria, VA 22313-1450

SEP 02 2005  
OFFICE OF PETITIONS  
RECEIVED  
7 SEP 2005  
Legal Staff  
International Division

PETITION UNDER 37 CFR 1.182

Now comes Applicants by their duly appointed attorney,  
the undersigned, and respectfully petition under 37 CFR 1.182 for  
rectification of a duplicate filing of a national stage of the  
PCT Application.

09/01/2005 EFLORES 00000027 10528378

01 FC:1462

400.00 DP

STATEMENT OF FACTS

On 15 September 2003, Applicant filed international application PCT/EP03/10242, which claimed priority of an earlier Italy application filed 16 September 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 25 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 16 March 2005.

On 16 March 2005, Applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission, which was filed by The Firm of Karl F. Ross P.C., indicated "23251" as the attorney docket number and was assigned U.S. Application Number 10/528,378.

On 23 March 2005, Applicant filed national stage papers in the DO/EO/US . The submission, which was filed by Modiano and Associati, indicated "39907/GM/Ip" as the attorney docket number and was assigned U.S. Application Number 10/528,775.

On 28 June 2005, the PCT Legal Examiner issued a "communication" containing the following "DISCUSSION" and "CONCLUSION".

"DISCUSSION

The submission of two sets of national stage papers for a single international Application was improper. A petition under 37 CFR 1.182 along with the requisite \$400.00 petition fee is required to resolve the matter.

A proper response must be filed within TWO (2) Months from the mail date of this communication. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). A proper response would include an appropriate petition under 37 CFR 1.182 along with the required petition fee."

#### RELIEF SOUGHT

It is hereby requested that this present paper be considered the proper response required by that communication, namely, a petition Under 37 CFR 1.182 requesting that the papers be combined in Ser. No. 10/528,378 with an effective date of 16 March 2005 as is required for timely filing of the national stage.

A charge form is enclosed applying the fee of \$400.00 to a charge card of the undersigned.

#### REQUEST FOR REFUND

The undersigned has received a telephone communication from the Patent and Trademark Office noting that a single letter from the office of Dr. Modiano would resolve this matter without the need for a petition or further action on the part of the office of the undersigned on the part of Dr. Modiano. Accordingly, this petition may not be necessary in as much as the requested letter was forwarded directly by the Office of Dr. Modiano to the Patent and Trademark Office.

Should that be the case it is requested that any funds paid in excess including this petition fee be refunded to the Deposit Account 18-2025 of the undersigned, that the undersigned be promptly notified that the matter has been resolved and that the paper be combined in a single application in this file and that this case is in condition for examination.

There is attached hereto in addition the Declaration and Power of Attorney, to the extent that the same may be required.

Respectfully submitted,  
The Firm of Karl F. Ross P.C.



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By: Herbert Dabno, Reg. No. 19,752  
Attorney for Applicant

Enc: Form PTO 2038  
Charge Card Form  
Declaration and Power of Attorney  
COPY OF PTO COMMUNICATION

August 26, 2005  
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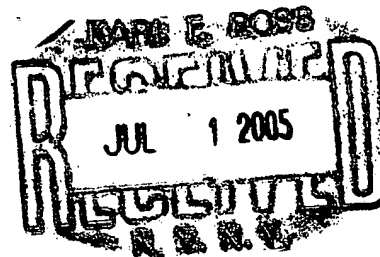


28 JUN 2005  
UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 02 2005

OFFICE OF PETITIONS

COMMUNICATION

In re Application of CAVALLINI et al  
U.S. Application No.: 10/528,378  
PCT Application No.: PCT/EP03/10242  
Int. Filing Date: 15 September 2003  
Priority Date Claimed: 16 September 2002  
Attorney Docket No.: 23251  
For: METHOD FOR MANUFACTURING AND  
CONTROLLING STRUCTURES ...

This application is before the Office of PCT Legal Administration for consideration of issues arising under the Patent Cooperation Treaty.

### BACKGROUND

On 15 September 2003, applicant filed international application PCT/EP03/10242, which claimed priority of an earlier Italy application filed 16 September 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 25 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 16 March 2005.

On 16 March 2005, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission, which was filed by The Firm of Karl F. Ross P.C., indicated "23251" as the attorney docket number and was assigned U.S. Application Number 10/528,378.

On 23 March 2005, applicant filed purported national stage papers in the DO/EO/US. The submission, which was filed by Modiano & Associati, indicated "39907/GM/Ip" as the attorney docket number and was assigned U.S. Application Number 10/528,775.

### DISCUSSION

The submission of two sets of national stage papers for a single international application was improper. A petition under 37 CFR 1.182 along with the requisite \$400.00 petition fee is required to resolve the matter.

**CONCLUSION**

A proper response must be filed within TWO (2) MONTHS from the mail date of this communication. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). A proper response would include an appropriate petition under 37 CFR 1.182 along with the required petition fee.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

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